

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING**

July 19, 2011

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, June 21, 2011 at 7:00 p.m. in the Wethersfield Town Council Chambers located at Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

1. CALL TO ORDER:

Vice Chairman Harley called the meeting to order at 7:02 p.m.

1.1 ROLL CALL & SEATING OF ALTERNATES (5 members required for a quorum):

Vice Chairman Harley called the roll as follows:

Member Name	Present	Absent	Excused
Richard Roberts, Chairman			✓
Thomas Harley, Vice Chairman	✓		
Joseph Hammer, Clerk			✓
Earle Munroe	✓		
George Oickle	✓		
Anthony Homicki	✓		
James Hughes			✓
Antonio Margiotta			✓
Vacancy			
Dave Edwards			✓
Thomas Dean (alternate)	✓		
Angelo Robert Fazzina (alternate)	✓		

Also present: Peter Gillespie, Town Planner/Economic Development Manager;
Denise Bradley, Assistant Planner;

Chairman Roberts noted that there were 4 full members and 2 alternate members in attendance at the time of roll call. All members present to participate.

Members of the Public were present.

2. OLD BUSINESS:

There was no old business discussed at this meeting.

3. NEW BUSINESS:

3.1 PUBLIC HEARING Application No. 1738-11-Z 100 Great Meadow Road Associates LLC,
Seeking a Special Permit in accordance with Sections 5.2, 5.3 & 5.8 of the Wethersfield Zoning Regulations to construct an indoor restaurant and bar, outdoor dining and sale of alcoholic beverages at 100 Great Meadow Road.

WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING

July 19, 2011

Daniel M. Logan, Esq. of Logan Grady, LLC, 1233 Silas Deane Highway, appeared before the Commission on behalf of Applicant, 100 Great Meadow Road Associates, LLC. He indicated this Application is for a dining area to be created on the first floor with the inclusion of outdoor patio facing the Connecticut River. He noted that there have been meetings with Town Staff and that the commentary resulting from those meetings has been incorporated into the Plan. He mentioned that fire department access to the building from the Connecticut River will exist with the incorporation of this Plan.

Kevin Johnson, LA of Close, Jensen & Miller explained that the restaurant will be located at the easterly side of the building and that the seasonal outdoor dining with removable seating for ninety-six (96) patrons, as well as an outdoor mobile bar, would be on the existing terrace. He indicated that the outdoor mobile bar would need underground electric, water and sanitary installations and explained the necessity of having a grinder pump and a sanitary force main connected into the existing sanitary system. He indicated that a thousand (1,000) gallon grease interceptor for the kitchen will be installed at the North side of the building and will discharge into a manhole that will connect to an existing sanitary lateral that exits the Northwest corner of the site. He mentioned that bollards, which are delineated on the Plan, will surround an underground five hundred (500) gallon propane tank at the site between the fire lane and the building and that erosion control in the project would consist of silt fence backed up by hay bales, silt sack in the catch basins, and a construction entrance. The gravel fire lane and access drive would be re-graded. He indicated that an analysis revealed there would be no loss of flood storage in this Plan.

He noted that the Wethersfield Inland/Wetland and Watercourses Commission approved the Plan in May 2011. He also noted that the Applicant is awaiting an approval from the CT DEP regarding the Plan

Mr. Johnson explained that the most direct access for wait staff and interior patrons to the outside seating area would be through the rear of the structure to new concrete stairs and a new handicap ramp system. He noted that some parking spaces in the lower garage will be eliminated to accommodate the construction of the restaurant's kitchen.

Mr. Johnson mentioned that a pedestrian crosswalk is included in the Plan, and traffic will not be allowed to circulate in a designated area during dining hours. On the North side of the building some parking spaces will be eliminated to accommodate a new dumpster that will be screened with fencing made of PVC material. The dumpster currently at the site will remain and will also be screened with PVC fencing. He noted that landscaping at the site would remain.

Kevin Johnson, LA, referred to the July 19, 2011 Memorandum from Michael J. Turner, Director of Public Works/Town Engineer to Peter Gillespie, Town Planner. Mr. Johnson's responses to Mr. Turner's twelve (12) comments are as follows: (1) There is a loss of eight (8) parking spaces resulting in a total of five hundred, eighty-two (582) parking spaces for the site. He noted that five hundred seventy (570) parking spaces are required for the plan; (2) The ground floor elevation of the parking under the building, and the proposed restaurant floor elevation will be noted on Sheet 4 so a comparison can be made with the new FEMA 100 year floor elevation; (3) The additional handicap space which will be van accessible will be located in the northeast corner of the site; (4) A notation will be made on the plans indicating the gravel outdoor dining area surface is handicap accessible; (5) Re-grading will satisfy erosion concerns and safe handicap passage; (6) The final architectural plans will reflect treatment of end walls ads; (7) The outdoor tables, chairs and bar will be removed from the site and placed into storage; (8) There will be battery operated lighting on tables, and the flood lighting and bollards on site will remain; (9) The concrete benches and tables currently at the site are not a part of this Plan; (Attorney Logan noted the concrete benches and tables would not be at the site during the outdoor dining season.); (10) Sheet 8 will contain will note concrete paver detail of the ability to support a HS20 load (fire trucks); (11) Applications to the CT DEP for all required permits were submitted during the week of July 11, 2011; (12) Mr. Johnson deferred to Mr. Pierz, the Architect for this Plan.

Joseph Pierz, Architect (former State Building Official) appeared before the Commission regarding this Plan. He noted that when the building was designed in the 1980s, it was intended (and the Town of Wethersfield approved) to have a restaurant with outdoor dining at the site. He noted that conceptual designs of the restaurant have been made and that the owner would proceed with a final design

rendering if this Application were approved. He offered copies of simple scale plans for the first and second floor which reflect the quality of what the owner intends to offer in the space.

Commissioner Oickle inquired and Mr. Pierz indicated that there are no plans to move long-term, existing tenants to another part of the building in order to accommodate the proposed restaurant.

Commissioner Oickle suggested that some pruning of the existing trees be done to enhance the view of the CT River at the site.

Vice Chairman Harley noted the following correspondence regarding this Application: (1) copy of May 19, 2011 letter from Donald Moisa, Inland/Wetlands & Watercourses Commission to 100 Great Meadow Road Associates, LLC regarding the May 18, 2011 approval of this Application from said Commission; (2) copy of July 19, 2011 letter to Denise Bradley, Assistant Planner, Town of Wethersfield from Tamara Liberatore, R.S., of the Central Connecticut Health District (CCHD) indicating a site plan approval for this Application, noting that prior to building permit issuance, CCHD must review and approve the layout and equipment for the restaurant and bar and that outdoor waitress stations shall have no food prep or dispensing of food; and (3) copy of the July 18, 2011 Memo to the Wethersfield Planning & Zoning Commission from Denise Bradley, Assistant Planner, Town of Wethersfield, noting that the proposal complies with all the dimensional and area requirements set forth in Section 5.4 of the Wethersfield Zoning Regulations and the Parking and Loading Regulations of Section 6.2 of the Wethersfield Zoning Regulations; (4) copy of the July 19, 2011 Memorandum from Michael J. Turner, Director of Public Works/Town Engineer to Peter Gillespie, Town Planner.

Commissioner Homicki thanked Mr. Johnson for his detailed explanation in addressing the concerns in the July 19, 2011 Memorandum from Michael J. Turner, Director of Public Works/Town Engineer to Peter Gillespie, Town Planner.

Commissioner Homicki inquired and Mr. Pierz indicated that the service elevator would be reconfigured to contain a side door in it to service both the upper and lower levels and that the freezers and walk-in coolers will be located in the kitchen areas. It was indicated that lighting is a work in progress.

Commissioner Homicki inquired and Mr. Pierz indicated that there is room for expansion of the proposed restaurant. He also inquired and Mr. Pierz noted that the owner of the restaurant is the owner of the building.

Commissioner Homicki made an inquiry regarding the existence of indoor and/or outdoor music being offered in the restaurant or in the outdoor dining area. Mr. Pierz indicated that he has not had any discussions in that regard.

Commissioner Fazzina made an inquiry regarding the existence of a plan for prohibiting access from vehicles traveling to the back of the property during dining hours.

Mr. Johnson indicated that the owner proposed having signage at both ends of the back driveway to prevent vehicle traffic in said area during a certain timeframe (i.e. during dining hours or a notation of "service vehicles only").

Commissioner Fazzina made an inquiry regarding the hours of operation for the proposed restaurant, and Mr. Johnson indicated that hours typical of lunch, dinner and perhaps an additional brunch on the weekends. Attorney Logan indicated that dinner hours may be until 8:00 p.m. or 9:00 p.m.

Commissioner Fazzina mentioned the abundance of mosquitoes along the CT River in the evening hours.

Commissioner Fazzina made an inquiry regarding the grinder pump, force main and grease interceptor systems. The systems need to be finalized by the Mechanical Engineer for the project.

Commissioner Fazzina made inquiries regarding the mansel system and bollards at the site. Mr. Johnson indicated that bollards will prevent vehicles from driving over the underground propane tank.

WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING

July 19, 2011

Commissioner Oickle inquired and Mr. Johnson indicated that no cooking will be done outdoors.

Commissioner Oickle inquired and Mr. Gillespie and Ms. Bradley indicated that a surplus of parking exists at the site with regard to this Application.

Commissioner Oickle inquired and Mr. Gillespie indicated that the Fire Marshal reviewed the plans and had no concerns with this Application.

Commissioner Oickle inquired and Mr. Johnson indicated that when the restaurant goes to final design, a backup generator for mechanical systems may be something that can be incorporated into the design.

Commissioner Oickle inquired and Mr. Pierz noted that the gravel in the outdoor dining area meets the requirements for safety concerning handicap accessibility.

Commissioner Oickle inquired and Mr. Pierz indicated that the existing restaurant in the building, Le Petite Café, will remain.

Commissioner Oickle inquired and Mr. Pierz indicated that the concrete tables that currently exist at the site will no longer remain once the proposed restaurant is in operation.

Vice Chairman Harley made an inquiry whether adequate turning radius exists at the site in the instance when a motorist encroaches the outdoor dining area vicinity. Mr. Johnson noted that the isle on the North side exceeds twenty-four (24) feet.

Mr. Gillespie indicated that if motorists were intercepted before they passed the garage, motorists could be directed back into the garage and then would proceed through the garage and back out into the front of the building.

Vice Chairman Harley inquired if flood plain issues for the existing basement walls where the kitchen is planned have been considered. Mr. Johnson noted that these walls are not being expanded and that the structure is adequate enough. The re-grading of said area for fire access purposes will provide a net increase of approximately sixty-eight (68) cubic yards, thus slightly increasing flood storage. Overall goal was to have no net fills.

Vice Chairman Harley inquired and Mr. Pierz noted that there are no plans to enclose the outdoor dining area with a fence.

Commissioner Fazzina inquired if the proposed dumpster pad and existing compactor create line of sight issues for passersby. He noted that the Mechanical Engineer may need to look into a system in the event the grinder pump fails so that back feeding is prevented.

Commissioner Oickle indicated that a flood history of the building (since 1982) is desired.

Attorney Logan indicated that he is not aware of an instance where flooding reached the parking garage.

PUBLIC COMMENTS:

There were no public comments made at this meeting regarding this Application.

Motion: Commissioner Homicki made a motion to close **PUBLIC HEARING APPLICATION NO. 1738-11-Z: 100 Great Meadow Road Associates, LLC**, Seeking a Special Permit in accordance with Sections 5.2, 5.3 & 5.8 of the Wethersfield Zoning Regulations to construct an indoor restaurant and bar, outdoor dining and sale of alcoholic beverages at 100 Great Meadow Road.

Second: Commissioner Dean seconded the motion.

Aye: Harley, Munroe, Oickle, Homicki, Dean, Fazzina;

Nay: None;

Vote: 6 – 0;

Public Hearing was Closed.

DISCUSSION:

The Commissioners and Mr. Gillespie discussed this matter and concluded that an approval with monitoring by Town Staff can be accomplished. Mr. Gillespie noted that prior a building permit approval; further changes may necessitate review by this Commission. Issues regarding lighting, fencing relating to liquor control and signage relating to traffic flow at the site may necessitate Commission review.

Motion: Commissioner Homicki made a motion to approve, **PUBLIC HEARING APPLICATION NO. 1738-11-Z: 100 Great Meadow Road Associates, LLC**, Seeking a Special Permit in accordance with Sections 5.2, 5.3 & 5.8 of the Wethersfield Zoning Regulations to construct an indoor restaurant and bar, outdoor dining and sale of alcoholic beverages at 100 Great Meadow Road, with the following conditions:

1. The plans are to be revised to address the comments made by Michael Turner in his Memo dated July 19, 2011;
2. The Commission will anticipate that Town Staff is to be in concert with any additional changes in this Application, including but not limited to lighting, fencing of the outdoor dining area as it relates to liquor control, signage relating to traffic flow, and any outdoor music/entertainment;
3. If Town Staff is not in concert with any additional changes to this Application, such proposed changes must be referred to the Commission.

Second: Commissioner Oickle seconded the motion.

Aye: Harley, Munroe, Oickle, Homicki, Dean, Fazzina;

Nay: None;

Vote: 6 – 0;

Application approved with conditions.

DISCUSSION:

Commissioner Dean indicated that although he planned to support the motion, he had concerns for the potential for some agitated or inebriated driver operating a vehicle chaotically and having Town Staff be the sole control of determining signage assuming the driver disregards the signage. He considers the

risk extremely low that people would be driving in that area during the hours of operation in the outside dining area. He noted that in mentioning these concerns, he has no solution unless the Commission can think of any additional requirements or action that would be appropriate in the situation posed.

Vice Chairman Harley mentioned that a chain secured by bollards may be a solution. He believes Mike Turner can look into this matter and come up with a good solution.

3.2 PUBLIC HEARING Application No. 1739-11-Z Tom Terry/GPM Investments, LLC, Seeking a Special Permit in accordance with Section 6.3 of the Wethersfield Zoning Regulations to install an electronic gas price sign at 930 Silas Deane Highway.

Mr. Rhamis Scuddah, a consultant representing Tom Terry/Fasmat Investments LLC, appeared before the Commission on behalf of the Applicant. He indicated that a LED gas price sign, identical in size to its predecessor, was installed. The difference with this replacement sign was that the letters delineating cost for unleaded and diesel fuel price were changed. He noted that the sign does not blink or flash and that the LED lighting is more durable and energy efficient than bulb lighting previously utilized. He also noted that the sign could be turned off by employees at the close of business.

Commissioner Oickle inquired and Mr. Gillespie noted that this Application is the first of its kind on the Silas Deane Highway. Mr. Gillespie noted that all gas station signs in Town require a special permit and that this Application is a modification to the special permit.

Commissioner Dean made an inquiry relative to the brightness of the LED lighting and whether it could be considered distracting to the public. The Applicant's representative noted that the sign is not bright. Mr. Gillespie noted he is unaware of the existence of guidelines that determine when LED lighting levels are considered distracting.

Vice Chairman Harley indicated that the Regulation has more to do with flashing and perception of movement with regard to illuminated signage.

Vice Chairman Harley inquired and Mr. Gillespie indicated that there is no intensity requirement in existing regulations.

Commissioner Homicki inquired and the Applicant's representative noted that the sign currently is not turned off while the business is closed. The Applicant's representative noted, however, that the sign can remain off when the business is closed if the Commission so chooses.

PUBLIC COMMENTS:

There were no public comments made at this meeting regarding this Application.

Motion: Commissioner Oickle made a motion to close **PUBLIC HEARING APPLICATION NO. 1739-11-Z: Tom Terry/GPM Investments, LLC**, Seeking a Special Permit in accordance with Section 6.3 of the Wethersfield Zoning Regulations to install an electronic gas price sign at 930 Silas Deane Highway.

Second: Commissioner Fazzina seconded the motion.

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING**

July 19, 2011

Aye: Harley, Munroe, Oickle, Homicki, Dean, Fazzina;
Nay: None;

Vote: 6 – 0;

Public Hearing was Closed.

Motion: Commissioner Oickle made a motion to approve, **PUBLIC HEARING APPLICATION NO. 1739-11-Z: Tom Terry/GPM Investments, LLC**, Seeking a Special Permit in accordance with Sections 6.3 of the Wethersfield Zoning Regulations to install an electronic gas price sign at 930 Silas Deane Highway, with the following conditions:

1. The sign cannot flash or blink;
2. The illuminated portion of the sign cannot be increased

Second: Commissioner Homicki seconded the motion.

Aye: Harley, Munroe, Oickle, Homicki, Dean, Fazzina;
Nay: None;

Vote: 6 – 0;

Application approved with conditions.

DISCUSSION:

It was suggested that Mr. Gillespie LED illumination relating to signage from a regulatory perspective and provide information to the Commission with regard to any findings.

4. OTHER BUSINESS:

4.2 Discussion regarding Living History Theatre – 411 Hartford Avenue/Buck Arts Academy.

Ms. Sherry Callahan, 21-23 Jordan Lane, appeared before the Commission and described her opportunity to conduct historical performances lasting approximately two (2) hours with a small group of actors/actresses. She indicated that the performances would be reasonably priced and that she would like to appeal to school systems. She also noted her desire to serve pre-made refreshments that are easily disposable.

Doug and Virginia Buck, 411 Hartford Avenue, owners of the Buck Art Barn, appeared before the Commission and spoke in support of Ms. Callahan's plans.

The Commission made a recommendation to Staff and noted to Mr. and Mrs. Buck that Ms. Callahan operate her Living History Theatre within the parameters of the existing permit for the site. The Commission indicated that if said activities would exceed the permit parameters, the Applicant must return to the Commission for additional review.

5. MINUTES - Minutes from the June 21, 2011 Meeting.

Commissioner Oickle indicated that on Page 5, line 1 of the June 21, 2011 Planning & Zoning Commission's Meeting Minutes, the words "send and" should be changed to "see an". The Minutes will be corrected to reflect that change.

Motion: Commissioner Oickle made a motion to approve the minutes, as corrected.

Second: Commissioner Homicki seconded the motion.

Aye: Harley, Munroe, Oickle, Homicki, Dean, Fazzina;

Nay: None;

Vote: 6 – 0;

Minutes approved as corrected.

6. STAFF REPORTS:

Mr. Gillespie indicated that in the near future, the Commission will be reviewing two (2) redevelopment plans from the Redevelopment Agency which would be made in compliance with Connecticut General Statutes. These plans are pertaining to a property on the Silas Deane Highway and a cluster of properties on the Berlin Turnpike. The Commission would have to make findings that the plans are consistent with the Town's Plan of Conservation and Development. The Housing Authority and Town Council also need to review the plans. Mr. Gillespie noted that plans have been submitted for the site formerly known as Tim Horton's at 486 Silas Deane Highway to be Farmington Savings Bank.

Commissioner Homicki inquired and Mr. Gillespie indicated that an update to the Plan of Conservation and Development is forthcoming, as changes discussed at the Commission's June 21, 2011 meeting will be made for the process to move forward. The process may include having a return date for the Plan at the end of August and then having the groups reconvene in September to review, interview and proceed.

Commissioner Homicki inquired of the status regarding CREC and its' interest in the Northeast Utilities property at 176 Cumberland Avenue for a Pre-K through 5 Elementary Magnet School. Mr. Gillespie indicated that Town Council and CREC representatives are moving the matter forward and that a portion of the site may provide options to the Town for future development. Mr. Gillespie mentioned that he met preliminarily with CREC representatives to explain the permitting process and mentioned that no applications or plans have been submitted to him regarding a zone change for the property. Mr. Gillespie mentioned that there are multiple property owners for the site (as there is a large building, some smaller parcels, and a wooded area). Mr. Gillespie noted it is his understanding that CREC does not wish to occupy the entire site.

Commissioner Homicki inquired and Mr. Gillespie explained that if the site changes from its current status as "taxable" to an "exempt" status, the change would first have to be reviewed by this Commission for a special permit (in addition to other permits not within the purview of this Commission, if necessary) with a public hearing process.

Commissioner Oickle inquired and Mr. Gillespie indicated that the Town issued a permit allowing the

WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING

July 19, 2011

Applicant to proceed with the foundation, site work and utilities for the Panera Bread restaurant to be built in the Wethersfield Shopping Center (**PUBLIC HEARING APPLICATION NO. 1720-10-Z: LRC Group** Seeking a Special Permit in accordance with Sections 5.2.F.2 and 5.2.F.3 of the Wethersfield Zoning Regulations to construct a restaurant with outdoor dining and a drive-thru window at 1129 Silas Deane Highway). Work is anticipated to begin soon. A discussion with the contractor will be made that may include the idea of having the driveway to the shopping center at Mill Street as accessible one way for the project duration and having said driveway closed altogether at one point during the project.

Commissioner Fazzina made an inquiry regarding the status of the proposed development of Cedar Mountain in Newington, CT. Mr. Gillespie indicated that the zone change part of the Application (request for increased density in the number of homes allowed) concerning the proposed development of Cedar Mountain in Newington has been withdrawn. Mr. Gillespie indicated that the withdrawn portion of the Application has to do with the frontage portion of the site where townhouses were to be proposed. The subdivision portion of the Application now remains. Mr. Gillespie noted that no response has been provided by the Applicant or the Town of Newington regarding the list of issues he read into the record at a June 2011 public hearing in Newington. The list noted various issues the Town of Wethersfield has with the proposed development of Cedar Mountain. The proposed development is adjacent to Russell Road in Wethersfield.

7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING:

There were no public comments made at this meeting relative to general matters of planning and zoning.

8. CORRESPONDENCE:

There were no items of correspondence discussed at this meeting.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS:

9.1 PUBLIC HEARING APPLICATION NO. 1737-11-Z: Don Hammerberg Associates Seeking a Special Permit in accordance with Section 5.7 of the Wethersfield Zoning Regulations for a General Repairer's License, and in accordance with Section 5.6 of the Wethersfield Zoning Regulations, to construct an addition at 450 Silas Deane Highway.

9.2 PUBLIC HEARING Application No. 1741-11-Z Theodore Dombroski Seeking a Special Permit to conduct a retail business from a roadside vehicle without a principal building at 63 Wolcott Hill Road.

10. ADJOURNMENT:

Motion to adjourn at 8:45 PM – by Commissioner Homicki.

Seconded – by Commissioner Fazzina.

Aye: Harley, Munroe, Oickle, Homicki, Dean, Fazzina;

None;

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING**

July 19, 2011

Vote: 6 – 0;

Meeting adjourned.

Respectfully submitted,

Ellen Goslicki, Recording Secretary